



Roll Call

**CITY COUNCIL MEETING
CONDUCTED AS AN ON-LINE ZOOM MEETING
Northampton, MA**

A regular meeting of the City Council was called to order by Council President Gina-Louise Sciarra. At 7:35 p.m. on a roll call the following City Councilors were present:

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| At-Large Councilor Gina-Louise Sciarra | At-Large Councilor William H. Dwight |
| Ward 1 Councilor Michael J. Quinlan, Jr. | Ward 5 Councilor Alex Jarrett |
| Ward 2 Councilor Karen Foster | Ward 6 Councilor Marianne LaBarge |
| Ward 3 Councilor James B. Nash | Ward 7 Councilor Rachel Maiore |
| Ward 4 Councilor John Thorpe | |

**Announcement of
Audio/Video
Recording**

Councilor Sciarra announced that the meeting was being held via remote participation and audio and video recorded.

Public Comment

Public Comment

Councilor Sciarra explained how to ask to be recognized for public comment and opened the floor to public comment.

Jennifer McKenna of Leeds spoke in support of the Roe Act resolution. She thanked Councilors Sciarra, Dwight and Maiore for their fierce leadership in offering a resolution in support of strengthening abortion rights in their state. At this moment in their country, their leadership at the local level is critical and powerful for multiple reasons. First, their official statement of local support for proactive abortion policy-making is enormously important for state reps and senators supporting the Roe Act; this resolution publicly demonstrates they have their backs. Second, it is an official assertion of their local community’s stake in state policy-making about abortion, which has a direct impact on individual people’s lives, families’ economic security and the health of local communities themselves. Third, this resolution helps chip away at abortion stigma which is so deep and pervasive in this country by saying ‘abortion’ out loud and creating a public space for community members to talk about their abortions and expose misinformation, disinformation and myths. Finally, the resolution is a vehicle for educating community members about the significant abortion barriers still on the books in Massachusetts, which are medically unnecessary, harm people’s health and economic security and disproportionately impact communities of color, vulnerable youth and people with low incomes.

She especially appreciates that this resolution addresses the impact of COVID-19 in exacerbating the harms and inequities caused by barriers to abortion in their state. The Roe Act is actually a critical public health response to the corona virus; instead of passing it, legislators have left barriers to abortion care in force, making countless pregnant people in Massachusetts risk avoidable exposure to the virus and even travel out of state during a pandemic. Leaving these barriers in place undercuts all our legislators and state leaders are doing to control the spread of this virus. As always, those most harmed are people of color, women in abusive relationships, vulnerable youth, etc. Failure to pass the Roe Act and remove these barriers is unnecessarily endangering lives while privileging the political agenda of a minority.

In short, it’s long past time we passed the Roe Act. Thank you for giving official voice to the majority in our community who respect our right to make our own decisions about our bodies, our lives and our futures, she concluded.

Rep. Lindsay Sabadosa, Northampton, thanked Councilors Sciarra, Dwight and Maiore, saying she is grateful for the council’s continued passionate, loud support for reproductive freedom. In recent days, they have been reminded that democracy requires patience, however, abortion is not a procedure that allows for delay. Every day we delay, there are those who suffer because of our inaction. She mentioned women pregnant more than 24 weeks being required to travel to New Mexico, Colorado, Maryland and Washington, DC during this pandemic rather than receive the same care here in Massachusetts. During times of incredible economic insecurity and unemployment, patients have been forced to figure out how to raise money for a procedure that starts at \$700 and only goes up after the first eight weeks.

Right now they have a commitment from the legislature, from the speaker and senate president, to take up a bill that protects reproductive freedom. In the House they have arrived at that point thanks to the outpouring of support, and, she won't lie, the little girls in RBG sweatshirts reminding them that discrimination based on gender is still discrimination. Your action and support of this legislation this evening is still deeply necessary. With your support and a loud chorus of voices demanding that Massachusetts lead, we can still pass the Roe Act.

Kara McElhone, Executive Director of the Children's Advocacy Center of Hampshire County, spoke in support of **20.135 An Order to Declare Surplus and Authorize Sale of 593 Elm Street**. Ms. McElhone expressed gratitude for the City of Northampton and Smith Voke's support. She hopes someday an organization like theirs does not need to exist but for now they do, because one in four girls and one in six boys are sexually abused before they turn 18 years old. One in five kids is sexually solicited on line, and in Massachusetts 84% of perpetrators are someone that child knows, trusts and loves. Most children never tell anyone about the abuse. They are here if and when they are ready to share their stories. The Children's Advocacy Center (CAC) coordinates care for kids as they navigate the process of disclosing abuse. The CAC model is one that is used around the country. Without a CAC, a child may end up being taken to multiple locations to tell the worst story of their life over and over again. Instead, children come to the CAC, a safe and child-focused environment, and tell their story once to a single trained interviewer while a multi-disciplinary group in another room observes and makes recommendations. The house on Elm Street provides comfort and privacy for children and their families. They have an on-site medical suite for physical exams, etc. They have been able to provide a safe space due to the support of Smith Vocational and Agricultural High School (SVAHS) and the City of Northampton. Since moving into the house in 2006, the CAC has provided services to over 2,000 children. They hope to be able to purchase the house and provide a permanent home for the CAC at 593 Elm Street. She thanked councilors for their consideration.

Carrie Baker of Northampton, attorney, Smith College professor and president of the Abortion Rights Fund of Massachusetts, urged councilors to pass the resolution in support of the Roe Act. With the passing of women's right's icon justice Ruth Bader Ginsburg and appointment of Amy Coney Barrett, the federal constitution protection to the right to abortion healthcare is at imminent risk. With Barrett, conservatives have consolidated a 6-3 supermajority of justices who are unanimous in their hostility to abortion rights and the Roe v. Wade precedent. Without democrats as a majority of the senate, they will not be able to pass affirmative protections for abortion rights in congress; therefore, Massachusetts must act now to secure abortion rights in the state. The Roe Act would protect and strengthen abortion rights in Massachusetts and remove several medically unnecessary restrictions that are forcing pregnant people to travel out of state during this pandemic. Rigorous, longitudinal research proves that restricting access to abortion harms people's health. People who access the abortion care they wanted had better physical and mental outcomes, were more financially stable, set more ambitious goals, were more likely to find a good romantic partner, were more likely to have a wanted child after the abortion and raise their child under more stable circumstances. By contrast, people denied abortion access experienced more serious health problems, were likely to be left to raise the child alone, were more likely to stay in contact with a violent partner, etc. With the COVID-19 pandemic, the need for the law is all the more urgent. We're losing federal-level protections for abortion health care so we must create state-level protections. Please support the Roe Act.

Patrick Melnik of Leeds informed councilors that, as they can see from his email, he is pretty angry at the attempt to confiscate his money without ever being notified by anybody that this was under process. He's lived in the city his whole life and it's frankly infuriating that the city would try to take money from him without notice. He should have suspected it because the Planning Board, again without notice, already decided to withhold his escrow funds. He is here to let them know this is a zoning issue, not a city council issue. He has a dispute with the DPW about whether two Stormwater systems or roof drains were installed. His engineers say they were put in; the city engineers, for whatever reason, do not believe them, but that's an engineering decision. To come behind his back and grab his money to hire an engineer to resolve this issue is entirely inappropriate. He told the Planning Board last month that he wanted a denial letter so he could take the next step to go to the zoning board or the court, and he is still waiting for that denial letter. If the DPW or the Planning Board had the right to confiscate his money, they would have already done it. They are just asking the city council to do it to get cover. He is asking them not to act to give the DPW and Planning Board cover for something they don't have the right to do. It should be

resolved by the ZBA or the courts.

If the appeal goes against him, if the ZBA or courts say he's wrong and he has to do it, he'll do it. That's a decision to be made by a judicial body, not the city council.

Yoko Kato said she is here to support the CAC. She has been involved in the CAC for the last 20 years and a member of the CAC board for nine years. 27 years ago she lost her 23-year old daughter Sherry and her 18-month old baby Cedric to violent crime in Northampton. Ever since then she became a voice for victims of domestic violence and victims of child abuse who no longer have voices. Children are our future; we must protect them. The CAC's role is preventing child abuse and providing safety and healing and justice. Her goal in supporting the CAC is that in the future there'll be no more child abuse in their city. "I will continue to be a voice for victims until I meet Sherry and Cedric again," she assured.

Kate Glynn of Northampton said she would like to add her voice to the chorus of those who stand in support of passage of the resolution to support the Roe Act. She echoed every word Carrie Baker, Lindsay Sabadosa and Jennifer McKenna said. Up until last February, she owned 'A Child's Garden' right across from City Hall and spent 13 years supporting new parents and families as they hosted registries, helped them decode the mysteries of cloth diapers, taught them how to hold their babies in slings and generally listened to what it is like to be a new parent. For the last six years, she has worked with the Abortion Rights Fund of Western Massachusetts and sits on the board and is co-coordinator of its volunteer force. While it sounds like those two activities may be different, they are linked in a fundamental way. She has been thinking a lot about how they move forward whatever happens with the election. One of the basic thing they can all agree on is they all have rights over their body; bodily autonomy is a basic human right. Passing the Roe Act codifies this into Massachusetts law. This decision is not one that is taken lightly and it is vital that they as a community stand with those who insist and demand that the rights over a person's life and body remain with the person.

Reverend Peter Ives, minister of a Northampton church for many, many years and a minister in Cambridge, Massachusetts and New Haven, Connecticut, said he feels very strongly that clergy should take a strong stand for passage of the Roe Act. He thinks is very important for religious leaders to support all who are working for passage of the Roe Act. He has worked closely with Carrie Baker and everything she has said is what he would want to say to them too. As a minister he sees the need for so many mothers to have an abortion for so many legitimate reasons. It is not easy as a pastor, but it's clear to him that women try very hard to make this decision and it is important that they have the freedom to make it. There came a time when he and his wife themselves had to make this decision so they too know what it feels like and yet how important it is. He hopes they will support the state act.

Pete Kerantzas officially asked the city council to have the Main Street redesign project as an agenda item at an upcoming meeting. He's been doing a bunch of research on issues with vision zero projects and the main goal would be to address these things ahead of time so they don't have issues later. He is actually meeting with Wayne Feiden tomorrow. He wants to make sure they're not leaving themselves open for any of the pitfalls that come with these types of projects. He asked for their consideration

Rachine Quinn, a resident of downtown Northampton, said she knows they are in unusual times but she is questioning having Main Street shut down yesterday at 4 o'clock. It was problematic for many reasons, for parents trying to pick up children, for people trying to get home, etc. She is wondering who gets to decide when Main Street is shut down. Their businesses are in trouble and to be told Wednesday at 4 o'clock that there are three protests planned and Main Street is being shut down; it's affecting not just businesses, it's people who live here, people who work here. There are many people coming from out of town to protest. Who gets to look at the residents and people as a whole and how they are affected. She thinks there needs to be a different way. "We can't shut down Main Street at 4 o'clock on a Wednesday and think everyone's going to be okay with it."

Cara Crochier of Montgomery said she was speaking in support of **20.135 An Order to Declare Surplus and Authorize Sale of 593 Elm Street.** As a proud CAC board member, the CAC house is incredibly important to their organization and their mission. The house is such an important and unique resource in their community. It's really more than a house, it's a safe haven

	<p>for children to have and a direct treatment line and necessary resources at one location. "I think we can all agree that it's important for children to feel safe, and this house represents that," she attested.</p> <p>Kristen Sykes of Baystate Village in Florence said she was joining other patriots in support of the Roe Act. Eleven states passed laws in 2019 which restrict access to abortion. She is horrified by these attacks on reproductive rights and healthcare for all individuals. As a young woman in her 20's if she didn't have access to reproductive rights her life would have been changed forever. In Massachusetts, the right to abortion has been protected by the state supreme court since 1981, but this is threatened by the supreme court and the appointment of Amy Coney Barrett. "We need to pass the Roe Act ASAP." She appreciates the support of the councilors and hopes this can happen quickly.</p> <p>Mo McGuinness, owner of Sylvester's and Roberto's, said she and husband were foster parents for many years and associated with the CAC house through this. They are big advocates and she is also a board member. The CAC is unfortunately very busy with cases right now, and that is unfortunate. They are supporting surplus 593 Elm Street for the CAC.</p> <p>Hildegard Freedman of 35 Fruit Street said she spoke to Annie Lesko in regard to the relevance of this public comment at a city council meeting and she did not seem to object. She is not allowed at a policing policy meeting to have public comment.</p> <p>Ms. Freedman spoke last time about a new methodology for police which is a game changer; it allows them to walk in the door. She is living in Northampton at 35 Fruit Street. Cahill Apartments is government housing, and her experience with crime is flagrant. Her father had Whitey Bulger gang members coming into an emergency physicians' office, she had crime in a second marriage with a junky dentist husband but she has had more crime than she ever imagined in public housing. They need someone from public housing on this staff. When she moved here, she moved into G68 Cahill where a woman had committed suicide who was due to go to prison for an assault. Her name was Hernandez. She has witnessed in Building B endless numbers of whether you want to call them homicides, suicides or overdoses. . . someone just died last week in B33 by the name of Dustin Dextraze. There have been endless numbers of overdoses in the last 23 years. If the person is able to walk in the door, they can witness someone dealing with drugs and many, many other things. She said she was going to leave it at that because she would need four or five sessions to go into the methodology.</p>
<p><u>Public Hearings Announcement of Public Hearing regarding FY2021 Tax Levy</u></p> <p><u>Announcement of Public Hearing - 20.126 Comcast Petition to Install Underground Conduit Under King Street dated Sept. 14, 2020</u></p>	<p><u>Public Hearings</u> <u>Announcement of Public Hearing regarding FY2021 Tax Levy</u> Councilor Sciarra made the following announcement: The Northampton City Council will hold a public hearing on Thursday, November 19, 2020 at 7:05 p.m. via remote participation to discuss the percentages of the local tax levy to be borne by each class of real and personal property within the City of Northampton for FY 2021 in accordance with Chapter 40, Section 56 of the Massachusetts General Laws. Information regarding this hearing will be available for public inspection online at www.northamptonma.gov on or before November 17, 2020 after 12:00 p.m. Instructions for accessing the hearing will be posted on the November 19, 2020 City Council agenda at www.northamptonma.gov no later than 48 hours prior to the meeting. The City Council will hear all persons who wish to be heard thereon.</p> <p><u>Announcement of Public Hearing - 20.126 Comcast Petition to Install Underground Conduit Under King Street dated September 14, 2020</u> Councilor Sciarra read the following announcement: Per M.G.L. Chapter 166, Section 22, a public hearing will be held on Thursday, November 19, 2020 @ 7:05 p.m. on the petition of Comcast of Massachusetts II, Inc. to erect poles and wires upon, along, under or across one or more public ways (unnumbered petition dated 9/14/2020) - King Street. The hearing will be held via remote participation. Please see the agenda for the November 19, 2020 City Council meeting for instructions for accessing the hearing.</p>
<p><u>I Updates from Council President/</u></p>	<p><u>Updates from Council President and Committee Chairs</u> <u>Announcement Regarding Executive Session Minutes</u></p>

<u>Committee Chairs</u> <u>Announcement</u> <u>Re: Executive</u> <u>Session Minutes</u>	<p>Councilor Sciarra made the following announcement:</p> <p>The Open Meeting Law (M.G.L. Chapter 30A, Section 22) requires public bodies to regularly review minutes of executive session to determine if they are eligible for release. With the assistance of the administrative assistant, the Council President has reviewed the minutes and determined that, due to pending litigation, nondisclosure of the executive session minutes of November 16, 2017 and September 19, 2019 is still warranted.</p>
<u>Recognitions and</u> <u>One-Minute</u> <u>Announcements</u> <u>by Councilors</u>	<p><u>Recognitions and One-Minute Announcements by Councilors</u></p> <p>Councilor LaBarge informed fellow councilors that the Disability Commission will review and consider the plastic reduction and sustainability ordinance at its November meeting. It was scheduled to be discussed in October but because of the Columbus Day holiday the agenda was not posted in time.</p> <p>Councilor Sciarra recognized City Clerk Pam Powers and her staff, election workers and volunteers. They’ve all been glued to watching election results and she wanted to recognize how smoothly everything has gone here in Northampton and thank them for that. It’s a real testament to the hard work and planning and organization they’ve put in. She offered kudos and unending gratitude to them.</p> <p>Councilor Jarrett announced that the Planning Board is holding three public forums that he is encouraging people to attend and give feedback on. ‘Picture Main Street Forum’ will be held Tuesday, November 10th at 7 p.m., while a public forum on a form-based code for downtown Northampton will be Thursday, November 12th at 8 p.m. A form-based code check in for the Florence Village District will be held Tuesday, November 17th at 6:30 p.m. The form-based code focuses on guiding the physical form on the streetscape rather than the separation of uses.</p> <p>Alternatives to Policing has met and its next meeting November 9, 2020 at 6:30 p.m. will focus on mental health services, Councilor Jarrett added.</p> <p>On a more personal note, with the tumultuous and uncertain time that they’re in, a perspective that he’s found useful is to remember that hope and optimism is a decision to make rather than a reaction to what’s going on, Councilor Jarrett shared.</p> <p>Councilor Nash reported that the Northampton Youth Commission flyered downtown in preparation for a number of informational Zoom meetings about the plastic reduction ordinance intended to engage business owners. The last scheduled one is tomorrow from 1 to 2 p.m. Information for accessing the meeting is on the city website.</p> <p>Councilor Maiore thanked Councilor Jarrett and echoed what Councilor Sciarra said about City Clerk Pam Powers. The election this year was just amazing. She thanked all the voters out there and expressed appreciation for the robust show of civic engagement. 82% of voters voted. “I hope we can keep this up; it’s impressive,” she observed.</p> <p>Councilor Quinlan said he is thankful to hear all of them. Tuesday he spent a few hours volunteering with Grow Food Northampton in their community food distribution projects. There are still open slots for volunteers. It is working in partnership with the Survival Center on Prospect Street and there are also volunteer opportunities there.</p> <p>One way people are dealing with uncertain times is through baking and cooking, Councilor Foster added. There is an outlet for that that can make a real difference in our community. Cathedral in the Night serves a free meal to the community and has been serving 70 to 90 meals every Sunday night. Many residents who are houseless or food insecure are taking advantage of those meals. Since March, she’s been working with the Northampton Kiwanis Club to make sure vegetarian options are available. She encouraged anyone interested in helping to provide food to send her an email.</p>
<u>Communications</u> <u>and</u> <u>Proclamations</u> <u>from the Mayor</u>	<p><u>Communications and Proclamations from the Mayor</u></p> <p>None.</p>

<p><u>Resolutions</u> <u>20.146 Resolution Urging Action on the Roe Act - 1st reading</u></p>	<p><u>Resolutions</u> <u>20.146 A Resolution Urging Action on the Roe Act - 1st reading</u> Councilor Sciarra read the resolution.</p> <p>Councilor Dwight moved to approve the resolution in first reading. Councilor LaBarge seconded.</p> <p>Councilor Sciarra thanked her co sponsors, Jennifer McKenna, the Abortion Rights Fund of Western Mass. and others who spoke for their guidance and tireless and truly inspiring work for abortion rights. A lot has happened since the council’s support of a resolution in June of 2019 and is still happening. This is an extreme time and there is so much heightened rhetoric and she’s not really sure how to project through the din, but she can’t state strongly enough that this is an emergency. It’s more of an emergency than the three-quarters of residents who support abortion rights in Massachusetts are aware. In the context of this moment, correcting archaic, incorrect and frankly offensive language in abortion state laws is an absolute screaming emergency because right now in Massachusetts they don’t have an affirmative law legalizing and protecting abortion rights if Roe v. Wade falls. Many like herself have lived their lives while the fundamental rights to decisions affecting their bodies is all they know. While there’s recognition of the need to fight for Roe v. Wade, there’s less of a recognition of the need to fight for state protections. In Massachusetts, people have a false sense of security. There is no security. People need to know that there isn’t a law that secures the right to safe and legal abortion in Massachusetts. This has to be corrected; it cannot wait. This week, the senate president and speaker have both put out a statement committing to taking up Roe by the end of the year. Leaving it up to a promise by the state legislature that they’ll act quickly leaves her a little queasy. She thinks it’s important that they state this as firmly as they possibly can and she asks the public to state it with her. “There is no other option, we need to have this protection,” she enjoined.</p> <p>Councilor LaBarge said she is in full support of the Roe Act. What bothers her is here they did a resolution June 20, 2019 affirming their support for access to safe and legal abortion. It’ll be almost a year and it’s been sitting on the table. “We need to act on this immediately.” Even though she’s hearing that it’s sitting there and they’re going to do something about it, she doesn’t trust it at all. She thinks Rep. Sabadosa did an excellent job of thoroughly explaining the importance of the Roe Act, explaining how women have to travel out of state during COVID 19. If they want to have an abortion they should have the right to be in their own state and be safe, she opined.</p> <p>Councilor Maiore said she feels very appreciative of their state rep and state senator and thanked her co-sponsors as well with special appreciation to Councilor Sciarra for her long-term advocacy on this issue. She thinks they need to be reminded that the majority of residents in Massachusetts support safe, legal access to abortion. Eight in 10 voters including those who identify as Catholic want Roe v. Wade to be upheld and think if a woman decides to have an abortion it should be safe, legal, affordable and available in her community without shame or pressure. Yet, this is not currently being represented in Massachusetts. “Let us not pretend on a state or federal level that these attacks on access to safe and legal abortion are [not] part of a larger cynical agenda...” To her, these are related and meant to tamp down the locus of self-control and human rights of women. This resolution makes it clear that all the provisions in the Roe act are essential. It is the least the governance of Massachusetts should be doing for over half of its residents. Like so many attacks on civil liberties across the board including voting rights, this is an ‘all hands on deck’ moment, and there’s no time to spare.</p> <p>Councilor Dwight thanked the two lead sponsors and the women and Reverend Ives who testified. In this bizarre election, the state of Colorado and state of Louisiana just passed even more draconian restrictions on a woman’s right to make a choice about her own body. There’s no equivalent restrictions on the way a male conducts himself. There is no law governing their choices in health including their reproductive systems. Part of what accounts for Massachusetts’ current law with its kind of grotesque language is there is a certain complacency; an understanding that it is a progressive state and progressive in all ways. For legislators, there was a certain comfort zone while Ruth Bader Ginsburg still walked this planet. The legislature can no longer find comfort in the fact that they have this antique, creaky law. It’s no longer enough. The urgency here is paramount. We need to establish in this dark time where there has been a systematic dismantling of progressive human rights programming and issues and laws in this country; it falls</p>
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upon the state and local communities to make the difference. We can make an unequivocal appeal, an unapologetic appeal for something that pushes us a little closer toward justice and equity. He is glad they get to make their case again and hopes it registers. Over three-quarters of constituents have come to expect and believe that it is the case that it is a robust and solid protection for women and that the legislature will make it a #1 priority to see this through because they don't know who will be presiding over the federal government come Jan. 20th. There are lots of opportunities for even more cruelty and more malevolent acts and is imperative that Massachusetts create a bulwark – a protective layer – for, at the very least, the most vulnerable in the Commonwealth. He thanked the co-sponsors and everyone's testimony, saying he is genuinely moved.

Councilor Nash thanked everyone. He supported the resolution back in 2019 and fully supports what they're doing here tonight. He recognizes that it is very important to do things that are under their control and this is something they can control and use to express their values. During this difficult time this is exactly what they should be doing and he completely support this.

Councilor Foster echoed the thanks to the three co-sponsors and those who spoke in favor. She remembers being on the hypothetical other side of the microphone to speak when the city council passed the other resolution. The pandemic has highlighted existing and deepening inequities. It is imperative that all residents of Massachusetts regardless of gender have access to reproductive health care, meaning health care that is safe and affordable and accessible. This is something their state legislature can act on and she urges them to do so. She will be proud to vote yes with her colleagues tonight.

Councilor Quinlan similarly thanked the sponsors and those who spoke. To hear the community talking about something and feeling very similarly about it is so great and encouraging. He is impressed with the statement of tremendous fact here. This was decided 47 years ago; it has been reaffirmed twice yet here they are fighting to insure something that was decided a long time ago. The one positive thing he has to say is that, earlier this year, the city council passed a resolution urging the state legislature to pass a bill for vote by mail which was done with great urgency. This same urgency is needed now to create safe access to women's rights. It's time for our state legislature to act and he will join with his colleagues to urge them to do that.

Councilor Jarrett thanked Councilor Sciarra for explaining the urgency of the situation and echoed the thanks to other sponsors. Especially at this time, states need to take the lead and need to codify under state law the rights that have long been fought for. He will be voting yes.

Councilor Thorpe said he is happy to support this. He also thanked the sponsors.

Councilor Sciarra called the motion to a vote and it passed unanimously 9:0 by roll call vote.

Councilor Sciarra asked her colleagues indulgence for a second reading.

Councilor Dwight moved to suspend rules to allow a second reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor Dwight moved to approve the resolution in second reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

The following resolution passed two readings:

In the City Council, November 5, 2020

Upon the Recommendation of Councilor Gina-Louise Sciarra, Councilor William H. Dwight and Councilor Rachel Maiore

R-20.146
A RESOLUTION URGING ACTION ON THE ROE ACT

- WHEREAS, the death of Supreme Court Justice Ruth Bader Ginsburg on September 18, 2020 and the appointment of Amy Coney Barrett on October 27, 2020, one week before the presidential election, has put Roe v. Wade (1973) and the subsequent Supreme Court cases that have affirmed the right to make personal medical decisions about when or if to have a child in the most dire jeopardy of their history;
- WHEREAS, the Trump-Pence administration has enabled states to implement unconstitutional bans and restrictions to legal and safe abortions, with the end goal of creating legal challenges that could overturn Roe v. Wade if they ascend to the Supreme Court;
- WHEREAS, the overturn of Roe v. Wade would leave many states and whole regions of the United States with very restricted or no access to legal and safe abortions, and ten states have already passed “trigger laws” that would ban abortion as soon as Roe is overturned;
- WHEREAS, it is essential that states protect and bolster abortion access and stand as bulwarks protecting the right to legal reproductive health care for their own residents and for those that will need to travel out-of-state to obtain safe health care;
- WHEREAS, states such as New York, Vermont, Illinois, and the District of Columbia have acted to protect rights to reproductive health care if Roe v. Wade is overturned;
- WHEREAS, 74% of Massachusetts residents support legal access to abortion, which is the highest support of any state;
- WHEREAS, despite this overwhelming support, there is currently no state law that asserts that abortion is legal in the Commonwealth of Massachusetts, protecting that right outside of the federal right afforded by Roe v. Wade;
- WHEREAS, current Massachusetts abortion law includes medically unnecessary and harmful restrictions, incorrect and inappropriate definitions and terminology, and other restrictions that are on the books such as a 24-hour waiting period, but have been superseded by Roe v. Wade since 1973. If

	<p>Roe v. Wade is overturned, these will be the standing laws for Massachusetts;</p> <p>WHEREAS, the Covid-19 crisis has heightened and highlighted the harm and inequities of the 24-week ban and judicial bypass restrictions in Massachusetts. These restrictions force pregnant people to have avoidable exposure or to travel out of state to access care, which is burdensome always but potentially endangering or prohibited during a pandemic;</p> <p>WHEREAS, the current restrictions disproportionately affect those who are Black, Indigenous, People of Color or those that are low-income, and who already suffer from unequal access and systemic barriers to health care;</p> <p>WHEREAS, the ROE Act “An Act to Remove Obstacles and Expand Abortion Access,” (S.1209, H.3320), which is co-sponsored by Northampton’s State Senator Joanne N. Comerford, and State Representative Lindsay N. Sabadosa, will codify and protect the right to abortion in the Commonwealth, correct prejudicial and incorrect language in the general law; remove gestational age from the language so termination may still occur for fetal abnormalities, remove judicial bypass, and provide coverage for those who do not qualify for MassHealth;</p> <p>WHEREAS, On June 20, 2019 the Northampton City Council passed “A RESOLUTION AFFIRMING SUPPORT FOR ACCESS TO SAFE AND LEGAL ABORTION IN THE COMMONWEALTH OF MASSACHUSETTS AND ACROSS THE UNITED STATES,” supporting and urging the passage of the ROE Act by the state legislature and;</p> <p>WHEREAS, the ROE Act has remained unaddressed in the state legislature’s Joint Committee on the Judiciary since 2019.</p> <p>NOW THEREFORE BE IT RESOLVED</p> <p>that the City Council of Northampton hereby reasserts its initial endorsement and asks the State Legislature to move with all deliberate speed and urgency to pass the ROE Act. Without immediate action they jeopardize the rights and health of their constituents, and leave the people of the Commonwealth of Massachusetts at risk of the loss of their current right to safe and legal abortion.</p> <p>BE IT FURTHER RESOLVED</p> <p>that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to Massachusetts Governor Charles Baker; Senate President Karen Spilka; House Speaker Robert DeLeo; lead sponsor of S.1209, State Senator Harriet L. Chandler; lead sponsors of H.3320, State Representatives Patricia A. Haddad and Jay D. Livingstone; Chairs of the Joint Committee on the Judiciary State Senator James B. Eldridge and State Representative Claire D. Cronin; State Senator Joanne N. Comerford; and State Representative Lindsay N. Sabadosa.</p> <p><u>Rules suspended, passed two readings and enrolled.</u></p>
<u>Consent Agenda</u>	<p><u>Consent Agenda</u></p> <p>Councilor Sciarra reviewed the items on the consent agenda, offering to remove any item for separate discussion upon request. Councilor Dwight requested removal of <u>20.147 Second Hand Dealer License for Feeding Tube Records</u>. Councilor Dwight moved approval of the consent agenda with the remaining items. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p>The following items were approved as part of the consent agenda:</p> <p>A. <u>Minutes of July 30, 2020 Special City Council Meeting and September 17, 2020 and October 1, 2020 City Council Meetings</u></p> <p>B. <u>20.132 Appointments to Arts Council and NHA - positive recommendations, City Services - 11/2/2020</u></p> <p>Arts Council</p> <p>Kent Alexander, 174 Island Road, Northampton, Ma</p> <p>Term: October 2020-June 2023</p> <p><i>To fill a vacancy</i></p>

	<p>Northampton Housing Authority- Board of Commissioners</p> <p>Jeff Jones, UFCW Local 1459, Organized Labor Representative, 76 Woods Road, Florence, MA</p> <p>Term: March 2020-February 2025</p> <p><i>Reappointment</i></p> <p>C. <u>20.145 Appointments to Northampton Housing Authority and Housing Partnership - for referral to City Services Committee</u></p> <p><u>Housing Partnership</u></p> <p>Ace Tayloe, 14 Fruit Street, Apt. 1, Northampton, MA</p> <p>Term: November 2020-June 2023</p> <p><i>To fill a vacancy</i></p> <p>Hannah Shaffer, 115 Milton Street, Florence</p> <p>Term: November 2020-June 2023</p> <p><i>To fill a vacancy</i></p> <p><u>Northampton Housing Authority- Board of Commissioners</u></p> <p>Edgardo Cancel, <i>Northampton Housing Partnership appointee</i></p> <p>Term: November 2020-June 2023</p> <p><i>To fill a newly-created position on the NHA Board of Commissioners</i></p> <p>Councilor Dwight recused himself from the approval of 20.147 because of a possible conflict with a relative.</p> <p>Councilor LaBarge moved approval of <u>20.147 Second Hand Dealer License for Feeding Tube Records</u>. Councilor Thorpe seconded. The motion carried 8:0 by roll call vote with Councilor Dwight recused.</p>
<p><u>Recess for Committee on Finance Meeting</u></p>	<p>At 8:22 p.m., the City Council recessed for the Committee on Finance. The Committee on Finance adjourned at 9:53 p.m. The City Council reconvened at 9:53 p.m.</p>
<p><u>Financial Orders (on 1st reading pending Finance)</u> <u>20.135 Order to Declare Surplus and Authorize Sale of 593 Elm Street - 1st reading</u> <u>20.136 Order to Make Changes to the FY2021 GF Budget to Balance the FY2021 Budget - 1st reading</u> <u>20.137 Order to Rescind and</u></p>	<p><u>Financial Orders (on 1st reading pending Finance review)</u> <u>20.135 An Order to Declare Surplus and Authorize Sale of 593 Elm Street - 1st reading</u> Councilor Thorpe recused himself.</p> <p>Councilor LaBarge moved to approve the order in first reading. Councilor Jarrett seconded. The motion carried 8:0 by roll call vote with Councilor Thorpe recused.</p> <p><u>See minutes of November 19, 2020 for second reading.</u></p> <p><u>20.136 An Order to Make Changes to the FY2021 General Fund Budget to Balance the FY2021 Budget - 1st reading</u> Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.</p> <p><u>See minutes of November 19, 2020 for second reading.</u></p> <p><u>20.137 An Order to Rescind and Replace FY2021 Water Enterprise Fund Budget - 1st reading</u></p>

**Replace FY2021
Water Enterprise
Fund Budget - 1st
reading
20.138 Order to
Rescind and
Replace FY2021
Sewer Enterprise
Fund Budget - 1st
reading
20.140 Order to
Surplus Land to
Abutters at
Woodland Drive -
1st reading**

Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

**See minutes of November 19, 2020 for second reading.
20.138 An Order to Rescind and Replace FY2021 Sewer Enterprise Fund Budget - 1st
reading**

Councilor Dwight moved to approve the order in first reading. Councilor Jarrett seconded. The motion passed unanimously 9:0 by roll call vote.

**See minutes of November 19, 2020 for second reading.
20.140 An Order to Surplus Land to Abutters at Woodland Drive - 1st reading**

Councilor LaBarge moved to approve the order in first reading. Councilor Thorpe seconded.

Councilor Jarrett said he just looked on the street view and noticed there are a number of trees on that sliver. He asked if there’s any concern that the new owners will cut down the trees.

They didn’t have any conversation about the trees, Mr. Feiden said. He knew they were interested in the land to protect themselves so that they would not be exposed if the land was sold. As far as he knows, there are no plans to cut the trees.

The motion passed unanimously 9:0 by roll call vote.

See minutes of November 19, 2020 for second reading.

**20.141 Order to
Accept \$10,000
Gift from DA
Sullivan for
Senior Services
Technology
Lending Program
- 1st reading
20.142 Order to
Appropriate
Transportation
Infrastructure
Enhancement
Funds to Pine
Street Bridge
Reconstruction -
1st reading**

**20.141 An Order to Accept \$10,000 Gift from DA Sullivan for Senior Services Technology
Lending Program - 1st reading**

Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of November 19, 2020 for second reading.

**20.142 An Order to Appropriate Transportation Infrastructure Enhancement Funds to Pine
Street Bridge Reconstruction - 1st reading**

Councilor LaBarge moved to approve the order in first reading. Councilor Maiore seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor LaBarge moved to suspend rules to allow a second reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor Dwight moved to approve the order in second reading. Councilor Foster seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

	<div><div><div>City of Northampton</div><div>MASSACHUSETTS</div></div><div><div><div><i>In City Council</i></div><div>November 5, 2020</div></div></div><div><div>Upon recommendation of the Mayor</div><div><div><div><u>20.142 An Order to Appropriate Transportation Infrastructure Enhancement Funds to Pine Street Bridge Reconstruction</u></div><div><div><div><i>Whereas</i>, the city has received \$18,148.20 from the Commonwealth Transportation Infrastructure Enhancement Trust Fund for trips conducted by Transportation Network Companies in Massachusetts for calendar year 2018 and 2019; and</div><div><div><i>Whereas</i>, the funds must be appropriated by City Council upon the recommendation and approval of the Mayor; and</div><div><div><i>Whereas</i>, the funds must be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town;</div><div><div><i>Ordered, that</i></div><div><div>The amount of \$18,148.20 be appropriated from the Commonwealth Transportation Infrastructure Enhancement Fund (Fund 2316) to be used for the costs related to the reconstruction of Pine Street Bridge.</div></div></div></div><div><div><u>Rules suspended, passed two readings and enrolled.</u></div><div><div><div><u>20.143 Order to Appropriate \$3,000 in CPA Funds for Construction of Pine Grove Trails - 1st reading</u></div><div><div><div><u>20.143 An Order to Appropriate \$3,000 in CPA Funds for Construction of Pine Grove Trails - 1st reading</u></div><div><div>Councilor LaBarge moved to approve the order in first reading. Councilor Thorpe seconded.</div><div><div><u>See minutes of November 19, 2020 for second reading.</u></div></div></div><div><div><div><u>20.144 Order to Appropriate \$65,000 in CPA Funds for Water Based Recreation Assessment Project - 1st reading</u></div><div><div><div><u>20.144 An Order to Appropriate \$65,000 in CPA Funds for Water Based Recreation Assessment Project - 1st reading</u></div><div><div>Councilor Foster said she would need to recuse herself. As the Executive Director of All Out Adventures, they run regular programs and hold a permit to work at one of the locations under consideration.</div><div><div>Councilor Dwight moved to approve the order in first reading. Councilor LaBarge seconded. The motion carried 8:0 by roll call vote with one recusal (Councilor Foster).</div><div><div><u>See minutes of November 19, 2020 for second reading.</u></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div>
<div><div><div><u>Financial Orders (in 2nd reading)</u></div><div><div><u>20.134 Order to Appropriate Funds to Complete the Stormwater Analysis Beaver Brook Estates Leeds – 2nd reading</u></div></div></div></div>	<div><div><div><u>Financial Orders (in 2nd reading)</u></div><div><div><div><u>20.134 An Order to Appropriate Funds to Complete the Stormwater Analysis Beaver Brook Estates Leeds – 2nd reading</u></div><div><div>Councilor LaBarge recused herself.</div><div><div>Councilor Dwight moved to approve the order in second reading. Councilor Foster seconded.</div><div><div>Councilor Quinlan referred to Mr. Melnik’s contention in public comment that this is not really a council issue. In March and April when councilors were discussing changing the zoning ordinance around pre-existing nonconforming lots, one of the discussion points was that the</div></div></div></div></div></div></div></div>

council leans more heavily on the zoning board and Planning Board to take a closer look at [projects] before passing them on to the council. He said he was curious as to the thoughts of other councilors.

He read the letter this week from Mr. Melnik and the follow-up from DPW Director LaScaleia. Based on Mr. Melnik's comment earlier, he was wondering whether this was something some other board should be taking a little sharper look at than them.

By statute, the city council is the body that controls the ability to take money out of this fund, Mayor Narkewicz advised. "You're the only body that can adjudicate this particular issue you're being asked to adjudicate," he stressed.

The council is not being asked to rule on zoning, it is just being asked to allow the Planning Board to access these funds to make sure the homeowners have a functioning stormwater system that can actually be certified. It is similar to the project up on Village Hill where the developer left the project unfinished and left the neighborhood with an unfinished system. He knows Attorney Melnik said the city council shouldn't be involved but they're the only authority that can be involved in this particular action. There is precedent several months ago with the project at Village Hill, he pointed out.

Councilor Jarrett asked if anybody would be able to explain what Mr. Melnik is talking about as far as the zoning board and the courts.

The zoning board is typically the place to go to appeal rulings of the building inspector, Mayor Narkewicz explained. The ZBA Issues findings, etc. In terms of its true appellate role it is usually rulings of the building inspector. He thinks this would ultimately be a court matter. Mr. Melnik mentioned going to superior court and that's his right. From the city's perspective, he was issued a duly-issued permit that had requirements.

He referred to his engineer but actually that's the heart of the matter. The city requires stamped, certified responses to things they need to understand and to date he has not produced that. That's where they're at odds.

Everything the mayor has said is absolutely correct, Mr. Feiden confirmed. If Mr. Melnik were going to file some sort of legal action it would be based on the Planning Board's action. It is almost identical to Northview in the sense that the city rarely takes performance guarantees. One difference in the case of Village Hill is that they typically notify the property owner when they are going to take money they hold in trust for them. In the case of Northview, the action they took to collect the money was to write Florence Savings Bank and make a demand that the performance guarantee be turned over to the city. The Planning Board can do that without going to City Council. Before making that demand, they wrote FSB and said they planned to call this in 30 days unless the developer completes the project. The planning department called the money and then came to city council for authorization to spend the money.

In this case, the city already holds the money. The definitive action is obtaining the authority to spend the money. "You have to exhaust your administrative remedies before you go to court," Feiden noted. Mr. Melnik could submit revised plans and come back before the Planning Board at its next meeting to renew his request that the funds be released, so he has not exhausted his administrative remedies. The definitive statement is when city officials say, "we now have authority to spend your money; we will spend your money in 14 days unless you correct the problem."

Mr. Melnik's specific request in public comment was a definitive denial letter. "I don't think we could issue that denial letter until he's exhausted the remedy," Mr. Feiden elaborated.

Based on the documentation provided by Director LaScaleia and his awareness of the history of what's gone on, he's inclined to vote to release these funds tonight, Councilor Nash volunteered. His only concern is based on Mr. Melnik's concern that he only learned about this later in the process. If they vote to continue tonight, it would provide an additional two weeks, he pointed out. He wondered if the mayor or Mr. Feiden or Director LaScaleia thinks any additional time like this might bring about a resolution. He interprets this as kind of a stand-off. Thinking of the residents who own properties there, "this needs to be resolved," he agreed. "That's why we hold these

monies, to protect them and make sure due diligence is done around these plans.”

His specific request in public comment is that we issue a denial letter, Mr. Feiden reiterated. If the action is delayed, the Planning Board is not going to take any action. Once the city council gives them authority to spend the money, they will offer Mr. Melnik one last chance before spending it, he assured.

Mayor Narkewicz said he has talked to the solicitor. There is no violation of notice since there is no notice requirement. Clearly he’s at the meeting, so he knows about it. The fact that this has sort of gotten his attention is important. He thinks the fact that these monies will be available will hopefully draw a quick resolution. What he’s asking for as a resolution is not a resolution in the city’s view. The resolution is to perform, to provide the information that he agreed to provide when he was issued the permit. He doesn’t think continuing is going to advance it. “We don’t want to do this; this is an extreme last resort.”

The money would go much further if it wasn’t a public project. He thinks it’s important that they advance this to the next step. They’ve been corresponding about this for quite some time.

It is definitely her preference that Mr. Melnik provide the information they’ve been requesting for years, Director LaScaleia stressed. This is not something that her department wants to take on or manage. They want to spend their time engaged in other projects and not involved in a private development. What they’re looking for from Mr. Melnik is information. It is possible that he’s done everything he needs to do but they don’t know that. If he’s already done it, that’s great. She just needs to see the paper. She needs something from an engineer.

Councilor Dwight said they’d answered his initial question of what level of communication had occurred. The reason an escrow account exists is to insure compliance with contracts. That is the part that is decided in court. Their responsibility is just to release funds; because the council has fiduciary oversight, its job is to determine if it’s appropriate to do what the Planning Board and DPW have requested, to invoke the city’s last resort to make him comply. “What we’ve got left is the escrow account,” he said.

After hearing the case made by both directors of planning and the DPW, he’s inclined to vote in favor in 2nd reading to invoke the conditions of the escrow account.

As the Ward 7 representative, she did alert Mr. Melnik to this meeting, Councilor Maiore shared. She hears that he didn’t know about this specific process. She asked if Mr. Melnik never responded or if he just disagreed with the premise of what the DPW director was asking.

The stormwater permit is clear, Director LaScaleia emphasized. The city issues a permit and puts requirements on permittees in accordance with state standards. They don’t list every state standard in the permit. When they ask for information to satisfy the permit requirements, part of the nuance here is a misunderstanding of the fact that this granular level of detail is not in the permit but that they are trying to satisfy state stormwater standards with this permit. The failure to provide information may be a misunderstanding of the detail level within the permit but, at the end of the day, the DPW is within its rights to hold permittees to state standards. They do this for everybody’s protection and to insure a quality project that will actually hold up over time and not fail for people who have bought into the project. The information vacuum they are in leaves them in a state of paralysis. They are not able to entertain an amendment to this permit because they have basic requirements that are not being satisfied. Part of the permit requirement is an annual report on October 1st of every year. She does not have an annual report and it is past October 1st. There’s a lengthy standard here, but the bottom line is that the state standards are upheld.

Councilor Maiore said that was quite helpful. She wondered if there was still opportunity for recourse if they vote tonight. She expressed her understanding that Mr. Melnik’s engineer passed away. She believes he doesn’t actually have an engineer. If he wanted to remedy this issue, would there be time after this vote for him to do so? She asked.

It is her preference that Mr. Melnik produce the information they’ve been requesting, Director LaScaleia assured. She would be more than happy to work with him on this.

Councilor Quinlan stated his belief that the responses of the planning director and DPW director

have been completely appropriate and have put him in a position where he would support this funding to get the job done.

They have to be mindful of the residents up at Beaver Brook and that this could potentially fall back on the homeowner’s association, Councilor Maiore agreed.

The motion passed 8:0 by roll call vote with Councilor LaBarge recused.

The following order passed two readings:

**City of Northampton
MASSACHUSETTS**

In City Council, November 5, 2020

Upon the recommendation of the Community Preservation Committee
20.143 An Order to Appropriate \$3,000 in CPA Funds for Construction of Pine Grove Trails

Ordered, that

WHEREAS, the Office of Planning and Sustainability and Conservation Commission submitted a Small Grants application for construction of a trail connection from Old Wilson Road, to create public access to the Pine Grove section of the Rocky Hill Greenway;

WHEREAS, the project meets the goals of the Sustainable Northampton Plan, Northampton Community Preservation Plan, and Open Space, Recreation and Multi-use Trail to provide for passive recreation and promote further exploration and contributes to public health by encouraging walking and hiking;

WHEREAS, on October 7, 2020, the Northampton Community Preservation Committee, voted unanimously to recommend that \$3,000 in Community Preservation Act funds be used to support this project.

NOW, THEREFORE BE IT ORDERED,

That \$3,000 be appropriated from Community Preservation Act funding to the Pine Grove Trail Creation project. And, that the grantee meets the conditions approved by the Community Preservation Committee, the Mayor, and City Council.

Specifically, \$3,000 is appropriated from the CPA Open Space Reserve (account #2344930-359931).

Passed two readings and enrolled.

Ordinances (Not Yet Referred)
20.139 Ordinance to Add Section 285-31 Newspaper Boxes

Ordinances (Not Yet Referred)
20.139 An Ordinance to Add Section 285-31 Newspaper Boxes
Councilor Dwight moved to refer **20.139 An Ordinance to Add Section 285-331 Newspaper Boxes** to Legislative Matters. Councilor Thorpe seconded. The motion passed unanimously 8:0 by roll call vote with one absent (Councilor LaBarge).

Ordinances
20.121 Ordinance to Amend Section 5.3 to Reduce the Setback from Street Lot Lines for Accessory Stables - 1st reading

Ordinances
20.121 An Ordinance to Amend Section 5.3 to Reduce the Setback from Street Lot Lines for Accessory Stables - 1st reading
Councilor Sciarra read.

Councilor Dwight moved to approve the ordinance in first reading. Councilor Maiore seconded.

Essentially this is one of those anomaly zoning provisions that may have made sense back in the day, Councilor Dwight explained. Setbacks for accessory stables are 30 feet everywhere else on a lot except where the lot line abuts a road, where it is 100 feet. Nobody could quite understand

	<p>the reason; maybe to keep animals away from the street scape. There is an applicant who lives on a corner so the current setback makes it impossible for her to have a stable and keep a horse even though her land conforms in every other way and meets every other condition. This is a correction. There was no opposition.</p> <p>The motion passed unanimously 9:0 by roll call vote.</p> <p><u>See minutes of November 19, 2020 for second reading.</u></p>
<p><u>Deliberate/Vote on Community Resources Request to Suspend Council Rule 2.6.2.6.1 requiring report within 60 days and to refer 20.114 Plastic Reduction and Sustainability Ordinance to the Disability Commission</u></p>	<p><u>Deliberate/Vote on Community Resources Request to Suspend Council Rule 2.6.2.6.1 requiring report within 60 days and to refer 20.114 Plastic Reduction and Sustainability Ordinance to the Disability Commission</u></p> <p>Councilor Jarrett said he was going to recuse himself since they are going to be discussing the plastic reduction and sustainability ordinance and he may have a conflict of interest.</p> <p>Councilor Dwight moved approval. Councilor Thorpe seconded.</p> <p>Community Resources is reviewing <u>20.114 Plastic Reduction and Sustainability Ordinance</u>, and members have been gathering information and having in-depth discussions, Councilor Sciarra said. The committee has a public forum on November 16, 2020 which brings them just past the 60-day deadline in council rules for reporting a recommendation. They'd like to have the forum and vote on a recommendation after the forum. It is her interpretation that they need to suspend the rule to allow them to do that.</p> <p>Councilor Dwight commented that this is unprecedented. The reason they are making this unprecedented proposal is that no one is trying to ram anything through or hamstring anybody. This is being very thoroughly vetted with a lot of outreach. The council has this rule so it doesn't do what the legislature did with the Roe Act. They require a report within a certain timeframe so measures don't languish in committee. The due diligence that's been done by Councilor Nash's committee and by the youth commission and by a number of members of the community who are deeply invested in this is very commendable. The pushback they got is that there wasn't enough outreach. The youth commission worked for almost a year and a half on outreach, contacting and communicating with virtually every business they could come up with that uses 'to go' containers. The response was anemic. Outreach was attempted. It wasn't a high priority for some until it became an ordinance. He is grateful to everyone participating and believes the ordinance will come out even better as a result. He wanted to emphasize that they have never done this before and that they are doing it in good faith.</p> <p>Councilor Maiore said she feels compelled to let everyone know what a stand-up job Councilor Nash has been doing on this. He's been going up and down Main Street and engaging in really meaningful discussions with businesses. Because of the pandemic and distress on businesses she thinks it's incumbent on them to take their time on this and try to anticipate any possible issues with implementation.</p> <p>They have been having some really productive discussions and gathering a lot of information, Councilor Nash reported. He is finally reaching the point where he thinks he actually understands the ordinance. Most importantly, the approach they've been taking is to, rather than just holding a hearing, actually engaging the business community so they have an informed discussion. Because of the technical nature of the materials, it's complicated. He commended the youth commission. They've partnered in doing outreach and the youth commission has been doing a lot of the heavy lifting. They've had five meetings with the business community via Zoom and regular contact with Amy Cahillane. He's been working with them along with residents Renna Pye and Marty Nathan to engage door to door as requested by some of the businesses downtown. Last Saturday, youth commission members flyer'd Florence and the food businesses there. He doesn't expect people coming into the room saying they didn't know this was going on.</p> <p>Councilor Dwight added referral of the ordinance to the Disability Commission to his motion. The ADA focus will be around the use of straws, he said.</p> <p>Councilor Foster echoed her thanks to Councilor Nash and the youth commission for their work around this and expressed support for the extension and referral to the Disability Commission.</p>

	The motion passed unanimously 9:0 by roll call vote.
<u>New Business</u>	<u>New Business</u> None
<u>Information (Charter Provision 2-7) & Study Requests</u>	<u>Information (Charter Provision 2-7) and Information Study Requests</u> None
<u>Motion to Adjourn</u>	Upon motion made by Councilor Maiore and seconded by Councilor Thorpe, the meeting was adjourned at 10:56 p.m. The motion carried unanimously 9:0 by roll call vote. Attest: _____ Administrative Assistant to the City Council